

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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UNITED STATES OF AMERICA,

Case No. 2:13-cr-00124-APG-PAL

Plaintiff,

ORDER

v.

(Mtn to Compel – Dkt. #41)

REUBEN CONWAY,

Defendant.

This matter is before the court on Defendant Reuben Conway's Motion for Discovery, or in the Alternative, for Exclusion of DNA Evidence (Dkt. #40) filed November 13, 2014. The court has considered the Motion and the government's Response (Dkt. #41).

Conway seeks an order compelling the government to provide all evidence concerning "the gathering, analysis and relevant data leading to the conclusions expressed by Julie M. Marschner" in her report regarding DNA collected in this case. As an initial matter, the court notes that defense counsel has not complied with LCR 16-1(d), which requires counsel for the movant to confer with opposing counsel in a good faith effort to resolve any discovery dispute and certify that he was unable to resolve the dispute after personal consultation with counsel for the opposing party. However, the government's Response indicates that it provided Conway's counsel with the materials he requested November 21, 2014. Conway has not filed a reply disputing this representation.

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1 Accordingly,

2 **IT IS ORDERED** that the Motion for Discovery (Dkt. #40) is DENIED AS MOOT.

3 DATED this 15th day of December, 2014.

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6 PEGGY A. LEEN  
7 UNITED STATES MAGISTRATE JUDGE  
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